UNITED STATES PATENT AND TRADEMARK OFFICE

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09/483,388	01/13/2000	Chun R. Xia	021756-015700US	8312

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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
POND, ROBERT M

ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/483,388	XIA ET AL.
	Examiner	Art Unit	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-59* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *45-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Applicant amended independent claims 45, 50, 54, 58, and 59 and based

arguments on the amended subject matter. All pending claims 45-59 were

examined in this final office action necessitated by amendment. The Examiner is

suggesting the Applicant consider a telephone interview for further discussion

which may potentially lead to perfecting claims for allowance.

Response to Arguments

Applicant's arguments filed 26 July 2006 have been fully considered but they

are not persuasive in light of grounds of rejection necessitated by amendment.

The Declaration entered 14 April 2007 is noted.

Regarding claim amendments, the Applicant's amended language is

qualifying language that does not actively recite additional methods pertaining to

the use of the marketing object container. In essence, the amended language

offers nothing of substance to overcome the prior art cited in the previous office

action. Chelliah discloses presenting personalized information to a remote user

using objects as supported by object oriented programming structures and

CORBA specification. Chelliah disclose presenting objects that pertain to a

particular user and does not present all available objects and is doing so

substantially at the time in which the page of information is being displayed.

Inherent in Chelliah are the structures necessary to permit determining capacity

of object containers. For example, exceeding container capacity would result in

error conditions or in absence of not specifying a capacity, could result in page

generation errors that may produce information to the user that is meaningless or

fails to present any information at all to the user. Chelliah presents useful and

meaningful information to the user.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action

can be found in a prior Office action.

1. **Claims 45-53, 58, and 59 are rejected under 35 USC 103(a) as being**

   unpatentable over Chelliah (US 5,710,887).

   Chelliah teaches a system and method relying upon a program object

containing attributes pertaining to product information used to market and sell

products online to remotely connected users (see at least abstract; Fig. 1; Fig. 2;

col. 2, line 36 through col. 5, line 3). Chelliah further teaches:

   - *Providing a marketing object container:* use of program object technology

     (see at least col. 9, lines 3048); sales representative program object (see

     at least col. 10, lines 44 through col. 11, line 3).

   - *Providing a selection of marketing attributes to be associated with the*

     marketing object container: responsive to the sales representative

program object is the pricing engine providing a selection of marketing

attributes (e.g. product price) (see at least col. 11, lines 11-18).

- *Providing a selection of marketing attributes to be associated with the*

  marketing object container: timing attributes for future discount;

  magnitude of discount (see at least col. 4, lines 31-38; col. 20, lines 25-

  33); advertised weekly sales (please note: conveys priority over advertised

  monthly sales) (see at least col. 20, lines 43-47); pricing priority (see at

  least col. 21, lines 60-64).

- *Determining which of the selection of marketing objects to display to a*

  user based on the selection of marketing attributes associated with the

  marketing container: displays pricing, discount information based on user

  selection of a particular product (see at least abstract; col. 3, lines 30-45).

- *Examining a user profile:* determines incentives based on customer's

  demographics and/or purchasing habits (i.e. user behavior) (please note:

  profile is examined to determine incentives) (see at least col. 12, lines 34-

  42); tracking user behavior (see at least col. 25, lines 65-67).

- *Program product:* Inherent in Chelliah are the structures necessary to

  permit the execution of computer code. For example, the system of

  Chelliah relies upon a computer executing code in order to electronically

  create and manager software program objects and noted above. Inherent

  in Chelliah are the structures necessary to permit determining capacity of

  object containers. For example, exceeding container capacity would result

in error conditions or in absence of not specifying a capacity, could result

in page generation errors that may produce information to the user that is

meaningless or fails to present any information at all to the user.

Chelliah teaches all the above as noted under the 103(a) rejection and

teaches the use of program objects containers within the programming

architecture established by CORBA (Common Object Request Broker

Architecture). Although Chelliah does not disclose <u>providing a marketing object</u>

<u>container corresponding to at least a portion of a page of information to be</u>

<u>displayed to the user, the marketing object container including information</u>

<u>identifying a container capacity and at least one of a location and a size of the</u>

<u>corresponding portion,</u> it would have been obvious to one of ordinary skill in the

art at time the invention was made to ascertain that since Chelliah is presenting

useful and meaningful information in the form of a collection of objects, Chelliah

must be applying logic that permits determination of capacities of containers

used to define the collection of objects generated when needed to react to user

selections and input in order to provide meaningful and useful personalized page

information.

2. **Claims 54-57 are rejected under 35 USC 103(a) as being unpatentable over**

Chelliah (US 5,710,887) in view of Knowlton (US 6,061,057).

Chelliah teaches a system and method relying upon a program object
containing attributes pertaining to product information used to market and sell
products online to remotely connected users (see at least abstract; Fig. 1; Fig. 2;
col. 2, line 36 through col. 5, line 3). Chelliah further teaches:

- *Providing a marketing object container:* use of program object technology
  (see at least col. 9, lines 3048); sales representative program object (see
  at least col. 10, lines 44 through col. 11, line 3). Please note: object
  associated with a first party of a first Web site.

- *Providing a selection of marketing attributes to be associated with the
  marketing object container:* responsive to the sales representative
  program object is the pricing engine providing a selection of marketing
  attributes (e.g. product price) (see at least col. 11, lines 11-18).

- *Providing a selection of marketing attributes to be associated with the
  marketing object container:* timing attributes for future discount;
  magnitude of discount (see at least col. 4, lines 31-38; col. 20, lines 25-
  33); advertised weekly sales (please note: conveys priority over advertised
  monthly sales) (see at least col. 20, lines 43-47); pricing priority (see at
  least col. 21, lines 60-64).

- *Determining which of the selection of marketing objects to display to a
  user based on the selection of marketing attributes associated with the
  marketing container:* displays pricing, discount information based on user
  selection of a particular product (see at least abstract; col. 3, lines 30-45).

- *Examining a user profile:* determines incentives based on customer's demographics and/or purchasing habits (i.e. user behavior) (please note: profile is examined to determine incentives) (see at least col. 12, lines 34-42); tracking user behavior (see at least col. 25, lines 65-67).

- *Program product:* Inherent in Chelliah are the structures necessary to permit the execution of computer code. For example, the system of Chelliah relies upon a computer executing code in order to electronically create and manager software program objects and noted above. Inherent in Chelliah are the structures necessary to permit determining capacity of object containers. For example, exceeding container capacity would result in error conditions or in absence of not specifying a capacity, could result in page generation errors that may produce information to the user that is meaningless or fails to present any information at all to the user.

Chelliah teaches all the above as noted under the 103(a) rejection and teaches the use of program objects containers within the programming architecture established by CORBA (Common Object Request Broker Architecture). Although Chelliah does not disclose providing a marketing object container corresponding to at least a portion of a page of information to be displayed to the user, the marketing object container including information identifying a container capacity and at least one of a location and a size of the corresponding portion, it would have been obvious to one of ordinary skill in the art at time the invention was made to ascertain that since Chelliah is presenting

useful and meaningful information in the form of a collection of objects without overflow conditions, Chelliah must be applying logic that permits determination of capacities of containers used to define the collection of objects generated when needed to react to user selections and input in order to provide meaningful and useful personalized page information.

Chelliah teaches all the above as noted under the 103(a) rejection and further teaches a) the use of program object technology to target advertise products to individuals, b) passing program objects from one application process to a second application process at a first web site, and c) program objects containing attributes pertaining to a marketable product, but does not disclose associating the marketing object for a second party. Knowlton teaches a system and method of marketing products online for sale using visual link objects (vlo) that are self-contained encapsulated program objects used to facilitate online purchasing (see at least abstract). Knowlton teaches marketing through friends and family (please note: a family recruiting other family members to purchase or route vlos is a type of target advertising). Knowlton further teaches a first web site associated with a visual link object selected by a first party, wherein the first party passes a copy of the selected vlo to a second party via electronic mail who can then use the vlo to purchase a product or pass along to a third party (see at least Fig. 4; col. 15, lines 21-47; col. 17, lines 19-31). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Chelliah to associate a selectable object of a first party of a first web site to a

second party or third party as taught by Knowlton, in order to facilitate target

marketing to multiple parties, and thereby increase sales for the online service.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Yogesh Garg can be reached on 571-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Robert M. Pond
Primary Examiner
June 21, 2007